

AMENDED IN SENATE APRIL 11, 2012

SENATE BILL

No. 1550

Introduced by Senator Wright

February 24, 2012

An act to add and repeal ~~Section 78302~~ *Article 7.5 (commencing with Section 78310) of Chapter 2 of Part 48 of Division 7 of Title 3* of the Education Code, relating to community colleges.

LEGISLATIVE COUNSEL'S DIGEST

SB 1550, as amended, Wright. Community colleges: extension ~~courses: course pilot program.~~

Existing law establishes the California Community Colleges, which are administered by the Board of Governors of the California Community Colleges. The governing board of any community college district is authorized, without approval of the board of trustees, to establish and maintain community service classes in civic, vocational, literacy, health, homemaking, technical, and general education, as specified.

~~This bill would authorize the governing board of any community college district, without approval of the board of governors, to establish and maintain an extension program offering credit courses. The bill would require this program, if it offers career technical education credit courses and workforce development courses, to be self-supporting, open to the public, and developed in conformance with specified statutory and regulatory guidelines. General Fund moneys would not be expended to establish or maintain the courses, nor would an extension program course be allowed to supplant regularly funded courses. Extension courses would not be allowed to reduce state-funded courses relating~~

to basic skills. The bill would require district boards to annually certify compliance with these requirements, as specified.

~~This bill would allow community college districts to charge students for the actual costs of the courses, as defined. Each participating district would be required to collect and keep records relating to the extension program and submit them to the chancellor's office by October 1 of each year. This information would, in turn, be submitted by the chancellor to the Legislative Analyst by November 1 of each year. The bill would require the Legislative Analyst to submit a written report to the Legislature by November 1, 2015, summarizing the information provided by the chancellor, assessing compliance of the program with the Legislature's intent, and suggesting any needed statutory improvements.~~

This bill would require the Office of the Chancellor of the California Community Colleges to establish a voluntary pilot program for purposes of authorizing a community college district to establish and maintain an extension program offering career and workforce training credit courses. The bill would authorize the governing board of a community college district to apply, and would require the chancellor to select no more than 8 campuses out of 8 separate community college districts, to participate in the pilot program. The bill would require applicant campuses to meet specified requirements to be eligible for selection for participation in the pilot program. The bill would require selected campuses to comply with specified requirements for participation in the pilot program.

The bill would authorize the governing board of a community college district participating in the pilot program to establish fees not to exceed the actual cost, as defined, of maintaining the pilot program. The bill would require each community college district participating in the pilot program to collect specified information and submit that information, and a schedule of the fees established for the pilot program, to the chancellor by August 1 of each year, and would require the chancellor to forward that information to the Legislative Analyst's Office.

The bill would require the Legislative Analyst's Office to provide a report that evaluates the pilot program and includes specified information to the Legislature by June 30, 2016.

The provisions of the bill would remain in effect only until January 1, 2020 2019.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. The Legislature finds and declares all of the*
2 *following:*

3 *(a) The California Community Colleges are experiencing record*
4 *demand for access to classes and programs that provide students*
5 *the skills and education they need to enter the workforce and*
6 *prepare for the jobs of the future.*

7 *(b) Funding for the California Community Colleges has been*
8 *cut by more than 800 million dollars since the 2008–09 fiscal year,*
9 *and students have seen fees increase by 125 percent over that time.*
10 *Community college budgets have been slashed at precisely the*
11 *time when enrollments are skyrocketing and the economy needs*
12 *more trained workers.*

13 *(c) In 2011, an estimated 140,000 students could not register*
14 *for even one class because courses were full. These cuts have*
15 *placed tremendous strain on the community colleges, and have*
16 *reduced students' prospects of completing their educational goals*
17 *in a timely fashion.*

18 *(d) Persons with two-year degrees are 30 percent more likely*
19 *to be employed and earn higher wages than those with only high*
20 *school diplomas.*

21 *(e) The United States Bureau of Labor Statistics projects that*
22 *occupations that require an associate's degree will grow by 19*
23 *percent through 2018. The California Community Colleges are*
24 *uniquely positioned to provide a higher education for millions of*
25 *Californians.*

26 *(f) As Californians, we need to recognize that the state's ongoing*
27 *economic crisis necessitates providing flexibility to postsecondary*
28 *educational institutions to find innovative ways to meet the training*
29 *needs of Californians, and also recognize that the California*
30 *Community Colleges are uniquely able to offer high-quality*
31 *programs at the lowest cost possible.*

32 *SEC. 2. Article 7.5 (commencing with Section 78310) is added*
33 *to Chapter 2 of Part 48 of Division 7 of Title 3 of the Education*
34 *Code, to read:*

Article 7.5. *Extension Course Pilot Program*

78310. (a) *The Office of the Chancellor of the California Community Colleges shall establish a voluntary pilot program for purposes of authorizing a community college district to establish and maintain an extension program offering career and workforce training credit courses. The governing board of a community college district may apply to be selected to participate in the pilot program. The chancellor shall select no more than eight campuses out of eight separate community college districts to participate in the pilot program from the districts that apply to be selected. In selecting campuses for the pilot program, the chancellor shall consider all of the following:*

(1) *Geographic, socioeconomic, and demographic diversity.*

(2) *Labor market demand.*

(3) *The community college district's program and planning capacity.*

(4) *The potential for support from funding partners in industry, labor, or other private funding sources to reduce the cost of attendance for students participating in the pilot program.*

(b) *To be eligible for selection for participation in the pilot program, an applicant community college campus shall satisfy all of the following criteria:*

(1) *Served a number of students equal to or beyond its funding limit for the two immediately prior academic years, as provided in the annual Budget Act and as reported by the Office of the Chancellor of the California Community Colleges.*

(2) *Did not receive a stability adjustment to state apportionment funding pursuant to Section 58776 of Title 5 of the California Code of Regulations.*

(3) *All courses offered for credit that receive state apportionment funding shall meet basic skills, transfer, or workforce development objectives.*

(c) *The chancellor shall review pilot programs, monitor compliance with the requirements of this article, and have the authority to rescind the authority to participate in the pilot program if the chancellor determines that the campus or its district is out of compliance with this article. A campus selected by the chancellor to offer extension courses under this section shall comply with all*

1 of the following requirements for participation in the pilot
2 program:

3 (1) A community college district shall minimize administrative
4 expenses to the greatest extent possible in the operation of a pilot
5 program on a participant campus.

6 (2) Enrollment in the pilot program shall not be reported for
7 state apportionment funding, but shall be open to the public
8 pursuant to Section 51006 of Title 5 of the California Code of
9 Regulations.

10 (3) The governing board of a community college district shall
11 not expend General Fund moneys to establish and maintain a pilot
12 program. This prohibition shall not apply to fees generated
13 pursuant to subdivision (d).

14 (4) An extension course offered under the pilot program shall
15 not be offered at times or in locations that supplant or limit the
16 offering of programs that receive state funding, nor in conjunction
17 with courses that receive state apportionment funding.

18 (5) The community college district shall ensure that state and
19 federal financial aid is available to eligible students who
20 participate in the pilot program.

21 (6) The community college district shall provide students who
22 receive financial aid for the pilot program the same priority for
23 enrollment as students participating in the pilot program who do
24 not receive financial aid.

25 (7) Extension courses offered through the pilot program for
26 credit shall meet all the requirements, standards, and criteria for
27 courses specified in subdivisions (a) and (b) of Section 55002 of
28 Title 5 of the California Code of Regulations, including, but not
29 limited to, all criteria and procedures as prepared, distributed,
30 and maintained by the chancellor.

31 (8) Section 87482.6 shall apply to pilot programs offering
32 extension courses for credit under this section.

33 (9) Pilot program revenues and expenditures consisting of the
34 current expense of education, as defined by subdivision (c) of
35 Section 84362, shall be included by a participating community
36 college district in complying with subdivision (d) of Section 84362.

37 (10) The pilot program shall be subject to existing community
38 college district collective bargaining agreements.

39 (11) Pilot program credit courses shall not supplant courses
40 funded with state apportionments. A participating community

1 college district shall not reduce courses funded with state
2 apportionments, which are needed by students to achieve basic
3 skills, workforce training, or transfer goals, to expand those
4 courses as part of the pilot program.

5 (12) The community college district shall prioritize enrollment
6 of students in courses that receive state apportionment funding in
7 conformance with the legal authority of the community college
8 district governing board, Section 66025.8, and Section 58108 of
9 Title 5 of the California Code of Regulations, by promoting policies
10 that do both of the following:

11 (A) Prioritize enrollment of students in courses that receive
12 state apportionment funding who are fully matriculated, as defined
13 in Section 78212, and making satisfactory progress toward a basic
14 skills, transfer, or workforce development goal.

15 (B) Do not unfairly or disproportionately shift students who are
16 eligible for resident tuition, who receive financial aid pursuant to
17 Chapter 1.7 (commencing with Section 69430) of Part 42 of
18 Division 5, or who are eligible for a fee waiver pursuant to Section
19 76300 from courses that receive state apportionment funding to
20 courses offered under the pilot program.

21 (d) The governing board of a community college district
22 participating in the pilot program may establish fees not to exceed
23 the actual cost of maintaining the pilot program under this section.
24 For purposes of this subdivision, actual costs shall include all of
25 the following:

26 (1) The cost of instruction.

27 (2) The cost of necessary equipment and supplies, student
28 services, and institutional support.

29 (3) The administrative costs incurred by the Office of the
30 Chancellor of the California Community Colleges in providing
31 oversight of the pilot program.

32 (e) (1) Each community college district participating in the
33 pilot program shall do both of the following:

34 (A) Collect and keep records that measure student participation,
35 student demographics, and student outcomes, in a manner
36 consistent with measures collected by community college districts
37 in regular credit courses supported through state apportionment
38 funding, including an analysis of program effects, if any, on a
39 district's workload and financial status. A participating community

1 college district shall submit this information to the chancellor by
2 August 1 of each year.

3 (B) Submit a schedule of fees established pursuant to subdivision
4 (d) to the chancellor by August 1 of each year.

5 (2) The chancellor shall forward the information submitted
6 pursuant to this subdivision to the Legislative Analyst's Office.

7 78311. (a) On or before June 30, 2016, the Legislative
8 Analyst's Office shall provide a report to the Legislature that
9 evaluates the pilot program established by this article, drawing
10 upon campus reports; campus visits; interviews with faculty,
11 students, and administrators; and other sources the Legislative
12 Analyst's Office deems relevant.

13 (b) The report prepared pursuant to this section shall include
14 all of the following:

15 (1) Summary statistics relating to course offerings, student
16 enrollment, financing, student utilization of financial aid, funding,
17 and completion rates for the pilot program.

18 (2) A determination of the extent to which the pilot program
19 complies with statutory requirements and the extent to which the
20 pilot program results in expanded access for students.

21 (3) An assessment of the effect of the pilot program on the
22 availability of and enrollment in courses that receive state
23 apportionment funding, with particular attention to the
24 demographic makeup and financial aid status of students enrolled
25 in those courses.

26 (4) Recommendations as to whether the pilot program should
27 be extended, expanded, or modified. In making recommendations,
28 the Legislative Analyst's Office shall consider alternative
29 approaches that might achieve the goal of expanded access without
30 increasing state funding.

31 78312. This article shall remain in effect only until January 1,
32 2019, and as of that date is repealed, unless a later enacted statute,
33 that is enacted before January 1, 2019, deletes or extends that
34 date.

35 ~~SECTION 1. Section 78302 is added to the Education Code,~~
36 ~~to read:~~

37 ~~78302. (a) The governing board of any community college~~
38 ~~district may, without the approval of the Board of Governors of~~
39 ~~the California Community Colleges, establish and maintain an~~
40 ~~extension program offering credit courses.~~

~~(b) An extension program offering career technical education credit courses and workforce development courses established under this section shall have the following characteristics:~~

~~(1) The program shall be self-supporting, and all costs associated with the program shall be recovered.~~

~~(2) Program enrollment shall be open to the public.~~

~~(3) The program shall be developed in conformance with the Education Code and Title 5 of the California Code of Regulations governing community college credit courses.~~

~~(4) The program shall be subject to district collective bargaining agreements.~~

~~(e) The governing board of a community college district shall not expend General Fund moneys to establish and maintain an extension course.~~

~~(d) An extension credit course shall not supplant any course funded with state apportionments. A community college district shall not reduce a state-funded course section needed by students to achieve basic skills, workforce training, or transfer goals, with the intent of reestablishing those course sections as part of the extension program. The governing board of a community college district shall annually certify compliance with this subdivision by board action taken at a regular session of the governing board.~~

~~(e) The governing board of a community college district may charge students enrolled in an extension course a fee not to exceed the actual cost of maintaining that extension course. An actual cost, within the meaning of this subdivision, shall include the actual cost of instruction, necessary equipment and supplies, student services and institutional support, and other costs of the district used in calculating the costs of education for nonresident students.~~

~~(f) A degree credit course offered as an extension course shall meet all of the requirements of subdivision (a) of Section 55002 of Title 5 of the California Code of Regulations as it exists on January 1, 2013.~~

~~(g) (1) Each community college district maintaining an extension program offering credit courses under this section shall collect and keep records that measure student participation, student demographics, and student outcomes in a manner consistent with measures collected by community college districts in regular credit programs supported through state apportionments, including an analysis of program effects, if any, on district workload and district~~

1 ~~financial status. A community college district shall submit this~~
2 ~~information to the Office of the Chancellor of the California~~
3 ~~Community Colleges by October 1 of each year. For community~~
4 ~~college districts operating more than one college, the evaluation~~
5 ~~shall be for each participating college.~~

6 ~~(2) The chancellor shall submit all of the information provided~~
7 ~~by community college districts pursuant to paragraph (1) to the~~
8 ~~Legislative Analyst by November 1 of each year. No later than~~
9 ~~January 1, 2015, the Legislative Analyst shall submit to the~~
10 ~~Legislature a written report that includes a summary of the~~
11 ~~information provided pursuant to this paragraph, an assessment of~~
12 ~~the extent to which community college extension programs are~~
13 ~~operated in a manner consistent with legislative intent, and~~
14 ~~suggestions to the Legislature for needed statutory improvements.~~
15 ~~The report submitted under this paragraph shall be submitted in~~
16 ~~compliance with Section 9795 of the Government Code.~~

17 ~~(h) This section shall remain in effect only until January 1, 2020,~~
18 ~~and as of that date is repealed, unless a later enacted statute, that~~
19 ~~is enacted before January 1, 2020, deletes or extends that date.~~